

REMARKS

Upon entry of this paper, claims 1 and 10 have been amended, claims 14-35 have been canceled, and no claims have been added as new claims. Thus, claims 1-13 are presently pending in this application. No new matter has been added. The cancellation of claims 14-35 should in no way be construed to be an acquiescence to any of the rejections stated. Claims 14-35 are being canceled solely to expedite the prosecution of the present application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

Affirmation of Election

During a telephone conversation on March 15, 2005, provisional election was made to prosecute the invention of the device and claims 1-13. Applicants hereby affirm this election. Claims 14-25 have been canceled in this Amendment in accordance with this election to further prosecution of this Application.

Applicants expressly reserve the right to, at a later date, prosecute either as part of an allowed generic claim and/or as dependent claims, the remaining species (II) of the present invention under 37 C.F.R. §1.141. Applicants further expressly reserve the right to file at a later date, one or more divisional applications under 35 U.S.C. §121, directed to the subject matter of any canceled claims.

Amendment to the Specification

Applicants recently became aware that the drawings may not comply with 37 CFR 1.84(p)(5) because they include reference number "56" in FIG. 3, which has not been specifically called out in the specification. In accordance with MPEP § 608.02(e), amendment to the specification to add the reference sign(s) in the description can be submitted to correct this informality.

Accordingly, Applicants have amended the specification to include supporting description of the element shown in the figures as filed, and referred to in the claims as filed, but not fully referenced in the specification. The element, “56” of FIG. 3, and representing a “feature” found on an end of the member coupling 28, is clearly shown in the figures as filed and specifically labeled in FIG. 3. However, this reference number and element was inadvertently left out of the description in the specification. The “feature 56” is clearly shown as a structure formed at the end of the member coupling 28 against which the drive member 40 meets when it is driven to install the member coupling 28, and subsequently against which member 52 meets when mounted, as can be seen in FIG. 3.

Support for the newly added text can be found throughout the specification, claims, and figures, including FIGS. 3 and 4, claims 1 and 14, and specification pages 8, 9, 10, and 12, among other locations in the disclosure. Accordingly, no new matter has been added.

Rejection Under USC §102(b)

Claims 1, 2, 4-10, 12, 13, 26, 27, and 29-35

Claims 1, 2, 4-10, 12, 13, 26, 27, and 29-35 were rejected under USC §102(b) as being anticipated by US Patent No. 1,855,329 to Wagner (“Wagner ‘329”). Claim 1 has been amended to more clearly identify the claimed invention. Claims 14-35 have been canceled, thus no longer stand rejected. Applicants further distinguish the claimed invention from Wagner ‘329 according to the following remarks.

Wagner ‘329, among other elements, fails to disclose a drive anchor system for mounting a member, where the drive anchor system makes use of, “a hollow member coupling sized and dimensioned to fit within the internal chamber of the drive anchor, such that the member can mount within the member coupling, the hollow member coupling having a closed end with which the member meets when mounted and an open end opposite the closed end, the open end sized to received the member” (*See* amended claim 1). Contrarily, the equivalent structure in Wagner ‘329 to the member coupling of the present claimed invention, namely the bushing 39, has two open ends through which the spike passes.

Furthermore, there is no disclosure, teaching, or suggesting in Wagner '329 that the bushing 39 is structured to couple with the spike in a manner that enables force applied to the spike to translate to the bushing 39 and drive the bushing 39 into the socket 42, mounting both the bushing 39 and the socket 42 in place. Rather, at page 3, first col., lines 48-63, Wagner '329 describes a process wherein the bushing is driven into the socket (without specifics as to how this is done) and then the spike is driven into the bushing. Because there is no restricted or capped end to the bushing 39, if force applied to the spike were translated to the bushing 39, such translation would have to be through friction along the side of the spike. However, if such friction forces existed, then the bushing 39 would slid further through the socket 42 as the spike was driven into and through the bushing 39 because there is nothing to hold the bushing 39 in place once it has achieved the desired position within the socket 42, causing the described installation to be impossible.

In the present claimed invention, the drive member 40 “couples with the member coupling 28 in a manner that enables force applied to the drive member 40 to translate to the member coupling 28 and drive the member coupling 28 into the drive anchor 10, mounting both the member coupling 28 and the drive anchor 10 in place.” See Specification, page 9, line 32 to page 10, line 1. Furthermore, it should be noted that “the member 52 can be utilized in place of the drive member 40 to install the member coupling 28 and the drive anchor 10” (*see* Specification, page 12, lines 15-17), thus demonstrating the interchangeability of the member 52 to be mounted and the drive member 40 with regard to how they translate driving forces to install the member coupling 28 into the drive anchor 10.

In light of the above comments, applicants respectfully submit that the claims of the present invention are not anticipated by, and are therefore in condition for allowance over, Wagner '329.

Claims 1, 3-13, 26, and 28-35

Claims 1, 3-13, 26, and 28-35 were rejected under USC §102(b) as being anticipated by US Patent No. 6,406,235 to Bantle (“Bantle ‘235”). Claim 1 has been amended to more clearly

identify the claimed invention. Claims 14-35 have been canceled, thus no longer stand rejected. Applicants further distinguish the claimed invention from Bantle '235 according to the following remarks.

Bantle '235, among other elements, fails to disclose a drive anchor system for mounting a member, where the drive anchor system makes use of, "a hollow member coupling sized and dimensioned to fit within the internal chamber of the drive anchor, such that the member can mount within the member coupling, the hollow member coupling having a closed end with which the member meets when mounted and an open end opposite the closed end, the open end sized to received the member" (*See* amended claim 1). Contrarily, the equivalent structure in Bantle '235 to the member coupling of the present claimed invention, namely the pin 10, has two open ends through which the screw can easily pass. In fact, to ensure that a screw mounting the fitting element 40 to the pin 10 can be of various sizes including longer than the pin 10 and still able to mount the fitting element 40 to the pin 10 (its only purpose) the pin 10 must have two open ends to allow the screw to pass through and tightly secure the fitting element 40.

As with Wagner '329, there is no disclosure, teaching, or suggesting in Bantle '235 that the pin 10 is structured to couple with the screw 43 in a manner that enables force applied to the screw 43 to translate to the pin 10 and drive the pin 10 into the fastening sleeve 20, mounting both the pin 10 and the fastening sleeve 20 in place. Rather, Bantle 235 describes a process wherein the screw is screwed into the pin 10 prior to any installation of the pin 10 in the fastening sleeve 20, or the fastening sleeve 20 in the workpiece 50. The screw 43 merely fastens the fitting element 40 to the pin 10. There is no configuration described, nor other teaching or suggestion, of the screw 43 providing a driving force to expand the flank 27 of the fastening sleeve 20 or install the fastening sleeve 20 in place. Force applied to the fitting element 40 snaps the fastening sleeve 20 in place, without making any contact with the screw.

In light of the above comments, applicants respectfully submit that the claims of the present invention are not anticipated by, and are therefore in condition for allowance over, Bantle '235.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicants courteously solicit allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. CUS-063 from which the undersigned is authorized to draw.

Dated: May 31, 2005

Respectfully submitted,

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